G. R. S. 59] GPB—15,000—20-12-13

GENERAL AND REVENUE SECRETARIAT.

1896.—97
(Prisons & gaols) P.10

File No. 91 — 96

Serial Nos. 1 — 5

B

~~**Papers Filed.**~~

Month Jne 96

Indexed. BB Shaukh

SUBJECT.

Confinement of Criminal Dacoan into the Lunatic Asylum.

PREVIOUS REFERENCES.	LATER REFERENCES.
Pdg 45—94	Pdg 105—98

Commenced

Gen. 31.]

189

SECTION P & J

FILE No. 91-96

SERIAL No. 1

From The Deputy Commissioner Kolar District (1)

To

The Secretary to the Government ~~Dewan~~ of Mysore.
Revenue and General Depts

Dated 4th July 1896

Despatched 6th Do.

Received 7 —— or ——

General No. 32

No. 14

Enclosure No. Records

Submitted for orders the Records in Criminal Case etc. 191 of 1895-96 on the file Special Magistrate Kolar Gold Fields.

J
7/7/96

2

District Magistrate's Court
of Kolar.
Dated 4th July 1896.

To,

The Secretary to the Government
of Mysore
Rev and General Depts.

Sir,

I have the honor to submit for orders of Government under Section 466 of the Criminal Procedure code the accompanying record in criminal case No. 191 of 1895-96 on the file of the Special Magistrate, Kolar Gold Fields, received with his docket No. 867 of the 29th Ultimo.

The accused Dasan was charged by the Police under Section 379 Indian Penal code. The Magistrate proceeded with the case and considering that the accused was of unsound mind placed him under observation of the Hospital Assistant. The latter who was examined as 2nd prosecution witness deposed that the accused was idiotic and not responsible for his actions. The Magistrate thereupon passed an order under Section 471 of the Criminal Procedure code

On

on a reference from this court, the Chief Court in Revision case No. 112 of 1895-96 observed there was no evidence on the record that at the time of committing the offence the accused was of unsound mind; that the evidence of the Hospital Assistant had reference merely to the state of the accused's mind at the time of the trial and that the magistrate was therefore not justified in proceeding with the trial and passing an order under Section 471 Criminal Procedure code with this view the order of the magistrate under Section 471 was set aside and he was directed to proceed according to law.

The magistrate has now passed an order under Section 466 Criminal Procedure code and submitted the record for orders.

I have the honor to be,
Sir,
your most obedient servant,

District Magistrate.

SECTION Proc.

FILE No. 91-96

SERIAL No. (2)

4

Proceedings of the Government of Mysore.

READ:—

Letter No. 32 – 14 dated 4 July 1896
from the District Magistrate of Kolar
submitting for orders of the Government record in
Criminal Case No. 191 of 1895-96
on the file of the Special Magistrate
Kolar Gold Fields

regarding one Dasan
accused of theft of firewood
under section 379 I. P. Code, and who is reported to be of unsound mind and incapable of making his defence.

ORDER THEREON, No. 590-2 / 740 DATED 11-7- 1896

As it appears from the record

submitted with the above that the accused
Dasan
is of unsound mind and incapable of making his defence, the Government direct, under the provisions of Section 466 of the Code of Criminal Procedure, that he be confined in the Lunatic Asylum, Bangalore, and there kept under proper care and treatment until discharged according to law.

9-7-96

~~General~~ *Secretary.*

To—The Officer in charge of the Lunatic Asylum, Bangalore, with the warrant of commitment.
The District Magistrate of Kolar in reply to his letter No. 32 – 14 dated 4 July 1896 returning the record.
The Registrar, Chief Court, for information.

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(General Serial No. 30.)

SECTION Pvt.

FILE No. 91-96

SERIAL No. 3

189 2 473.

From

The Registrar of the
Chief Court of Mysore.

To

The ~~General~~ Secretary
to the Government of Mysore.

Dated 14th } July 1896.
Despatched 16th }
Received 17th

Enclosures No. 1

General No. 300
No. 16

Forwards Copy of the order of this Court dated 11th April 1896 passed in Revision Case No. 112 of 1895-96 on a reference by the District Magistrate of Kolar - accused Dasan - now confined in the Lunatic Asylum, Bangalore

Enclosures with reference & draft & 2 Pcs
16/7

Jud
16.7.96

Central Jail Press, Bangalore.—18-12-95.—502.

No 300 Cancl-
16

Bangalore 14th July 1896

From

The Registrar of the
Chief Court of Mysore.

To

The Secretary to the
Government of Mysore.

Sir,

With reference to the Proceedings of Government No. 590-2 J 40 dated 11th instant, directing the confinement in the Lunatic Asylum Bangalore, of Dasan accused in Criminal Case No. 191 of 1895-96 on the file of the Special Magistrate Kolar Gold Fields, I am directed to forward copy of the order of this Court, dated 11th April 1896 passed in Revision Case No. 112 of 1895-96 on a reference by the District Magistrate of Kolar.

I have the honor to be,
Sir,
Your most obedient Servant.

Registrar

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In the Chief Court of Mysore at Bangalore

Saturday the 11th day of April 1896.

Present-

J. W. Best Esquire, Chief Judge

and

A. Ramachandra Iyer Esq: Judge

Revision Case no: 112 of 1895-96

× No: 3701-2
1846
D/ 19th March
1896

In the matter of a reference from the District Magistrate of Kolar in the case of Dasan, accused in Criminal Case no: 191 of 1895-96 on the file of the Special Magistrate Kolar Gold Fields.

Order

There is no evidence on the record that at the time of committing the alleged offence, the accused was of unsound mind. The evidence of the Hospital Assistant has reference merely to the state of the accused's mind at the time of the trial. Under these circumstances, the Magistrate was not justified in proceeding with the trial and passing an order under Section 471 of the Code of Crimina

8

Criminal Procedure. He should have postponed further proceedings in the case (Section 464) and adopted the course indicated in Section 466.

The order passed under Section 471 must be set aside and the Magistrate will be directed to proceed according to law.

"A True Copy"

Registrar

J.106

P&G

9

SECTION— ~~Gen. 31~~

FILE No. 91-96

SER'AL No. 4 From The District Magistrate Kolar

189-6 570.
27 JUL 1896

J 20.7.96

To The Secretary to the Government of Bombay General and Commercial Depts.

Dated 16 July

Despatched 17

Received 20

General No. 317
No. 82

Enclosure No.

Subd to Asstt Secy. with J 473 of 16.7.96 on 17-7-96.
WM 23-7-96

Government Proc. Endrsmt no J 590-2 dated the 11th July 1896 passing orders regarding Lunatic Macan accused in case No 191 of 1895-96 on the file of the Special Magistrate, Kolar Gold Fields.

I have the honor to request that the record of the Criminal case No 191 of 1895-96 submitted with this office letter No 32 of the 4th instant may be returned.

I have the honor to be
Sir
Your most obedient servant
District Magistrate

Submitted with reference
Dated 29-7-96.
with Proc. &c.

The records have been sent on the 17th July 1896. (vide Post Book.)
No papers no reply & may be filed.

Subd
WM
30/7/96

X Id. Issued &c.

Returned &c.

WM
1/8

No. 11441/1106 d 21-7-96.

Recd.

SECTION Proj.

FILE No. 91-96

S N 5

Letter No. 300/16 of 14 July 1896 from the Registrar of the Chief Court of Burma forwarding with reference to Govt. Pro. No. 590-2/40 of 11 inst. and copy of the Chief Court's Order of 11 April 1896 passed in Revision Case No. 112 of 1895-96 regarding one Dawan ~~on a reference by the District Magistrate of Kolar~~.

Order thereon.

Recorded.

Secretary

To The Registrar of the Chief Court of Burma.